Request by Applicant for Interference with Patent Under 37 CFR 1.607(a)(5)

(1) Patent Identification:

The applicant seeks to have an interference declared between the present application and unexpired Patent 5,875,700, issued Mar. 2, 1999 to Robert A. Powell, 1414 NE. 267th Ave., Camas, WA 98607.

(2) Presentation of Proposed Count:

Independent claim **21** and dependend claims **22 - 30** are proposed to correspond to **Count 1,**

Independent claim **31** and dependent claims **32 - 37** are proposed to correspond to **Count 2.**

(3) Identification of Claim in the Patent Corresponding to the Proposed Count :

Claims **1 - 4** of patent 5,875,700 correspond to the proposed count.

(4) Presentation of Claim 1 Corresponding to the Proposed Count 1:

1. A brush cutting blade for mounting to a drive shaft manipulated by a handle, said brush cutting blade comprising:

a circular disk having a disk body defining a plane and having top and bottom sides and a peripheral edge, teeth formed on the peripheral edge and defining a direction of rotation of the disk for cutting, and a center

mount for mounting the disk to the drive shaft with the top side facing the handle for rotatively driving the disk in the defined direction of rotation;

at least one cutting segment formed out of the disk body positioned radially outward of the center mount and radially inward of the peripheral edge, said segment having a generally curved triangular shape with three sides, one side being unsevered and forming a juncture with the disk body and other sides extending from said one side radially outwardly of the center mount severed from the disk body, said segment deflected outwardly of the plane of the disk body toward the bottom side of the disk body at an angled orientation relative to the disk body between positions of co-planar and normal relative to the plane of the disk body and forming thereby an opening through the disk body that is radially outwardly of the juncture;

said segment having an inclined leading edge with cutting teeth on the edge for cutting in the direction of rotation and as a result of the angular orientation of the blades, said teeth presenting a laterally extended cutting section from a face view and a laterally extended cutting section from an edge view of the disk.

Specific Application of Each Limitation or Element of Claim 1 to Disclosure of Current Application :

Claim **1** is not identical to claim **21** of the application, however, all elements and their application closely correspond. In this respect the "brush cutting blade for mounting to a drive shaft manipulated by a handle...comprising", of claim **1** corresponds to "rotary brush... blade for mounting to driven shaft of motorized brush cutter..." of claim **21** (p.3.L.2-3).

Further, "circular disk...disk body...plane...top and bottom sides...peripheral edge...(with) teeth...defining a direction of rotation...center mount...top side facing handle...driving the disk..." of claim **1**, correspond to "circular disk...bilateral planes...top and bottom sides... peripheral border, with serrated cutting elements...center aperture...top side facing...upper continuous...urging ...movement...in disposed direction..." of claim **21** (p.3.L.4-10).

Also in claim **1**, "at least one cutting segment formed out of the disk body, positioned radially outward of the center mount and radially inward of the peripheral edge", corresponds to "auxiliary cutting means ...elevated out of the planar disk body extending radially...from ...said center aperture...and radially inward of said peripheral border " of claim **21** (p.3.L.11-15).

Further in claim **1**, "...said segment having a generally curved triangular shape with three sides, one side being unsevered...forming...juncture with the

disk body and the other sides extending ...radially outward of the center mount severed from the disk body..." finds correspondence in " ...said auxiliary cutting means including structures having predetermined...configurations..." and (preceding) "...forming an unsevered juncture with the disk body and having three sides severed and extended radially outward of said central aperture position...", of claim **21** (p.3.L.17-18 & p.3.L.13-14).

Additionally, in claim **1**, "...said segment deflected outwardly of the plane of the disk body toward the bottom side of the disk body at an angled orientation relative to the disk body between positions of co-planar and normal relative to the plane of the disk body..." finds correspondence in "...said auxiliary cutting means deflected substantially axial to said planar disk body." of claim **21** (p.3.L.15-16).

Still further in claim **1**, "...and forming thereby an opening through the disk body that is radially outward of the juncture", finds correspondence in "...blade...further including predetermined, corresponding voids to said auxiliary cutting means, positioned radially outward of the unsevered junctures...", of claim **24** (p.4.L.18-20).

Also in claim **1**, "said segment having an inclined leading edge with cutting teeth on the edge ...said teeth presenting a laterally extended cutting section from face view and a laterally extended cutting section from an edge view of the disk", finds correspondence in "said auxiliary cutting means having pre-determined, unobstructed and even bilateral surface configurations...including inclined cutting edges having an orientation in longitude substantially parallel to imaginary lines drawn directly into the direction of rotation of said disk,... including said auxiliary cutting means in substantial axial extension, as seen from a face view and also as seen from a disk edge view...", of claim **21** (p.3. L.17-18, 20-22 & p.4.L.2-4).

Presentation of Claim 2 Corresponding to the proposed Count 1:

2. A brush cutting blade as defined in claim **1** wherein at least three segments are provided in said disk body, and said juncture inclined from trailing end to leading end radially inward.

Specific Application of each Limitation or Element of Claim 2 to Disclosure of Current Application:

Claim **2** is also not identical to any one claim of the current Application but finds correspondence in more than one claim. Consequently "...blade as defined...wherein at least three segments are provided in said body...", corresponds to "...blade as defined...including said auxiliary cutting means three or fewer in number...", in claim **22** (p.4.L.7-8).

Further, "...said juncture inclined from trailing end to leading end radially inward", corresponds to "...said unsevered angular juncture radially inclined inward from trailing end to leading end..." of claim **23** (p.4.L.14-).

Presentation of Claim 3 Corresponding to the Proposed Count 1:

3. A brush cutting blade as defined in claim **1** wherein multiple segments are provided symmetrically around the disk body, the segments deflected outwardly at a similar angle between 15 degrees and 50 degrees.

Specific Application of Each Limitation or Element of Claim 3 to Disclosure of Current Application:

In claim **1**, "...blade...wherein multiple segments are provided symmetrically around the disk body..." finds correspondence in "...blade...including said auxiliary cutting means...symmetrically, equiangularly and circularly disposed...", of claim **22** (p.4.L.7-9).

Further, "...the segments deflected outwardly at a similar angle between 15 degrees and 50 degrees", finds no precise corresponding limitation in the current Application which defines instead, "said auxiliary cutting means deflected substantially axial to said planar disk body", in claim **21** (p.3.L.15-16) thereby allowing full use of the available practical range for deflection.

Presentation of Claim 4 Corresponding to Proposed Count 1:

4. A brush cutting blade as defined in claim 3 wherein the segments are deflected to an angle between 25 degrees and 45 degrees.

Specific Application of Each Limitation or Element of Claim 4 to Disclosure of Current Application:

In claim **4**, "...blade...wherein the segments are deflected to an angle of between 25 degrees and 45 degrees", finds also no identical corresponding limitation in the current Application which defines instead, "said auxiliary cutting means deflected substantially axial to said planar disk body", in claim **21** (p.3.L.15-16) thus again accommodating for the full use of the entire practical range for deflection available.

(5) Applying the Terms of Any Application Claim,

(i) **Identified as Corresponding to the Count**

(In Sequential Order as per Occurrence)

Term "A brush cutting blade", corresponds to "a rotary brush cutting and shredding blade" (p.3.L.2).

Term " drive shaft", corresponds to "driven shaft" (p.3.L2).

Term " circular disk", corresponds to "circular disk member" (p.3.L.4).

Term "disk body", corresponds to "disk member" (p.3.L.4.).

Term "peripheral edge", corresponds to "peripheral border" (p.3.L.5.).

Term "direction of rotation", corresponds to "direction of rotation" (p.3.L.6).

Term "center mount", corresponds to "center aperture" (p.3.L.6.).

Term "rotatively driving", corresponds to "urging circular movement" (p.3.L9.)

Term "cutting segment", corresponds to "auxiliary cutting means" (p.3.L11).

Term "positioned radially outward", corresponds to "extended radially outward" (p.3.L.14).

Term "radially inward", corresponds to "radially inward" (p.3.L.15.).

Term "generally curved triangular shape", corresponds to " predetermined, unobstructed, even, bilateral surface configurations" (p.3.L.17-18) and

also to "largely semielliptial structures with a depressed minor axis" (p.6.L.7-8.).

Term "unsevered", corresponds to "unsevered" (p.3.L.13.).

Term "forming a juncture", corresponds to "forming an unsevered angular juncture" (p.3.L.13.).

Term "deflected outwardly", corresponds to "extended radially outward" (p.3.L.14.).

Term "plane of disk body", corresponds to "planar disk body" (p.3.L.11.).

Term "bottom side", corresponds to "bottom sides" (p.3.L.4.).

Term "angled orientation", corresponds to "deflected substantially " (p.3.L.16.).

Term "positions of co-planar and normal", corresponds to "elevated out of the planar disk body extending radially" (p.3.L.11-12.).

Term "opening", corresponds to "voids" (p.4.L.19.).

Term "inclined leading edge", corresponds to "inclined cutting edges" (p.3.L.20.).

Term "cutting teeth", corresponds to "serrated cutting elements" (p.3.L.5.).

Term "angular orientation", corresponds to "orientation in longitude" (p.3.L.21.).

Term "laterally extended cutting section", corresponds to "substantial axial extension" (p.4.L.3).

Term "juncture inclined from trailing end to leading end radially inward", corresponds to "radially inclined inward from trailing end to leading end" (p.4.L.14.).

Term "multiple segments", corresponds to "auxiliary cutting means" (p.3.L.11).

Term "symmetrically", corresponds with "symmetrically" (p.4.L.8.).

Term "segments deflected", corresponds to "auxiliary cutting means deflected" (p.3.L.15.).

(ii) Not Previously in the Application to the Disclosure of the Application

None.